IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 3406 of 2007(E)

PETITIONER:

---

1. KAITHARI NEYTHU VYAVASAYA THOZHILALI UNION REG. NO. 89/76, VANROSE JUNCTION, THIRUVANANTHAPURAM. REPRESENTED BY PRESIDENT

2. NELLIVILA HANDLOOM CO-OP.SOCIETY LTD. NO. 3419, PANAYAKKUNNU, KATTACHALKUZHI P.O. THIRUVANANTHAPURAM, REPRESENTED BY THE SECRETARY.

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

---

1. KERALA LOK AYUKTHA, THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY.

2. THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR, VIGILANCE AND ANTI CORRUPTION BUREAU, THIRUVANANTHAPURAM.

4. THE DIRECTOR OF HANDLOOMS AND TEXTILES, VIKAS BHAVAN, THIRUVANANTHAPURAM.

5. N.VISWAMBHARAN, BEENA COTTAGE, KATTACHALKUNNU, BALARAMAPURAM, THIRUVANANTHAPURAM.

BY ADV. SRI.T.K.ANANDA PADMANABHAN
SRI. P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C03406/07

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1: TRUE COPY OF THE JUDGMENT IN W.A.NO.3679/01 BEFORE THIS HONOURABLE COURT.

EXT.P2: TRUE COPY OF THE ORDER G.O.(RT)832/06/ID DATED 2.8.06.

EXT.P3: TRUE COPY OF THE ORDER DATED 4.7.03 IN COMPLAINT NO.32/2000.

EXT.P4: TRUE COPY OF THE ORDER DATED 19.7.03 IN COMPLAINT NI.358/02 BEFORE KERALA LOK AYUKTA.

EXT.P5: TRUE COPY OF THE ORDER IN W.P.(C)21063/06 DATED 8.8.06 BEFORE THIS HON'BLE COURT.

EXT.P6: TRUE COPY OF THE ORDER DATED 25.8.06 IN W.P.9C022933/06 BEFORE THIS HON'BLE COURT.

TRUE COPY

PA TO JDUGE.

S. SIRI JAGAN, J.

W.P.(C)NO.3406 OF 2007

DATED THIS THE 5th DAY OF MARCH, 2007

JUDGMENT

The 1st petitioner is a union of workers of the second petitioner Society. They are aggrieved by Exts.P3 and P4 orders of the Kerala Lok Ayukta by which an enquiry by the Vigilance Department against certain Societies including the 2nd petitioner Society have been directed. The petitioners' case is that this Court in W.A.No.3679/01 had directed the 4th respondent to conduct an enquiry on the same subject matter. The petitioners would submit that therefore the Society would be put to difficulties, if two enquiries ordered by two authorities are simultaneously proceeded with.

2. I am not inclined to entertain this writ petition because since the 2nd petitioner Society was a party to Exts.P3 and P4 proceedings of the Lok Ayukta and since they were aware of the proceedings in W.A.No.3679/01 before this Court they could have informed this Court about Exts.P3 and P4 orders and obtain appropriate clarifications, if necessary by impleading themselves in the same.

The learned counsel for the petitioners would point out that Ext.P1 order was passed subsequent to Exts.P3 and P4 orders. Whatever that be, it would be open to the petitioners to move an appropriate petition either in W.A.No.3679/01 or before the Lok Ayukta pointing out that two simultaneous enquiries have been ordered by the two authorities and seek appropriate reliefs in either of the proceedings. Without prejudice to such right, the writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd